

1 BILL NO. S-87-01-26

2 SPECIAL ORDINANCE NO. S-24-87.

3 AN ORDINANCE approving Contract
4 for Improvement Resolution #6071-
5 86 - Asphalt Resurfacing Program -
6 Fifth Package, between Brooks Con-
7 struction Company, Inc. and the
8 City of Fort Wayne, Indiana, in
9 connection with the Board of Public
10 Works and Safety.

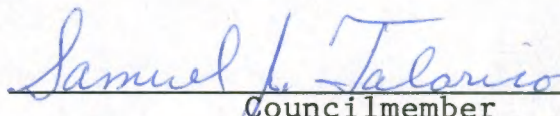
11 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
12 OF THE CITY OF FORT WAYNE, INDIANA:

13 SECTION 1. That the Contract for Improvement Resolution
14 #6071-86 - Asphalt Resurfacing Program - Fifth Package, by and
15 between Brooks Construction Company, Inc. and the City of Fort
16 Wayne, Indiana, in connection with the Board of Public Works
17 and Safety, for:

18 resurfacing and restoring pavement
19 as per the attached Resolution;

20 the Contract price is Five Hundred Twenty Thousand Three Hundred
21 Seventy-Three and No/100 Dollars (\$520,373.00), all as more particu-
22 larly set forth in said Contract, which is on file in the Office
23 of the Board of Public Works and Safety and, is by reference
24 incorporated herein, made a part hereof, and is hereby in all
25 things ratified, confirmed and approved. Two (2) copies of said
26 Contract are on file with the Office of the City Clerk and made
27 available for public inspection, according to law.

28 SECTION 2. That this Ordinance shall be in full force
29 and effect from and after its passage and any and all necessary
30 approval by the Mayor.

31 
32 Councilmember

33 APPROVED AS TO FORM
34 AND LEGALITY

35 
36 Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Alonso
seconded by Alonso, and duly adopted, read the second time
by title and referred to the Committee Public Works (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ M., E.

DATE: 1-27-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Alonso
seconded by Alonso, and duly adopted, placed on its
passage. PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	_____	_____	<u>3</u>	_____
<u>BRADBURY</u>	_____	_____	_____	<u>✓</u>	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	<u>✓</u>	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	<u>✓</u>	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 2-10-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 1-24-87
on the 10th day of February, 1987,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 11th day of February, 1987,
at the hour of 11:00 o'clock PM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of February,
1987, at the hour of 3:00 o'clock P, M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

IMPROVEMENT RESOLUTION

FOR STREETS

NO. 6071-86

ASPHALT RESURFACING PROGRAM - FIFTH PACKAGE

RESOLVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF FORT WAYNE, INDIANA,

That it is deemed necessary to improve by resurfacing and restoring pavement as designated on the following streets to be known as:

STONEHEDGE BLVD.: From Canterbury to Northgate.

NORTHGATE BLVD.: From Roebuck to Stonehedge.

CANTERBURY BLVD.: From St. Joe Road to Abbey Drive.

LAKE AVENUE: From Reed Road to a point 2,120 feet \pm east there of (city limits) west property line of Concordia Cemetary Gardens.

HAZELWOOD AVENUE: From Crescent Avenue to Oakgrove Avenue.

UNION STREET: From Washington Blvd. to Main Street.

JEFFERSON BLVD.: From Nelson Street to Garden Street.

SMITH STREET: From Pontiac Street to Oxford Street.

MCKINNIE AVENUE: From Avondale to Smith Street.

LAWNDALE DRIVE: From Curdes to Buena Vista.

CAMBRIDGE BLVD.: From State Blvd. to Goshen Avenue.

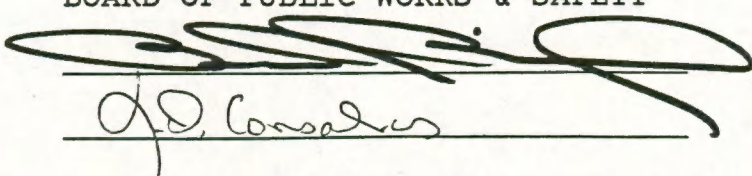
WASHINGTON BLVD.: From Francis Street to Anthony Blvd.

all in accordance with the profile, details, drawings, and specifications on file in the office of the Department of Public Works and Safety of said City; and such improvement is now ordered.

It is hereby found by said Board of Public Works and Safety that all benefits accruing hereunder will be to the general public of the City of Fort Wayne and that no special benefits will accrue to any property owner adjoining said improvement or otherwise assessable under said improvement. The cost of said improvement shall be paid 100% by the City of Fort Wayne.

Adopted, this 16th day of December, 19 86.

BOARD OF PUBLIC WORKS & SAFETY


J.D. Connelley

ATTEST: 
Secretary and Clerk

PROJECT: ASPHALT RESURFACING PROGRAM - RESOLUTION # 6071-86
5th PACKAGE 1986 BOND ISSUE

◆ ◆ ◆ ◆ ◆

Date 1/14/87

Minority Business Enterprise (MBE) is a business of which at least 51% is owned and controlled by minority group members. ("Minority" means Black, Hispanic, American Indian, Asian, Pacific Islander, and Alaskan Native). The minority owners must exercise actual day-to-day management, as well as actively participate in management and policy decisions affecting the business. The contribution of capital, equipment or expertise made by the minority owners must be real, substantiated and documented.

Women Business Enterprise (WBE) is a business of which at least 51% is owned and controlled by women. The women owners must exercise actual day-to-day management, as well as actively participate in management and policy decisions affecting the business. The contribution of capital, equipment or expertise made by the women owners must be real, substantiated and documented.

The contract for which this proposal/bid is prepared is governed by the MBE/WBE Ordinance. This form must be completed in order to be responsive to this IFB/RFP. If the participation goal of 7% for MBE and 2% for WBE are not met or exceeded in your bid or proposal, the reasons for this failure and reasonableness and good faith of efforts to meet this goal shall be evaluated in determining whether the bidder/offeree is responsible.

A list of possible MBE/WBE contractors/suppliers are on file in the Compliance Office, Room 800, City-County Building, for Contractor review.

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO THE MBE/WBE GOALS OF THE CITY FOR WORK DONE PURSUANT TO THIS CONTRACT:

- A. _____ The undersigned firm certifies that it is an MBE/WBE Contractor (cross out inapplicable provision).

For MBE specify percentage of minority ownership _____%.

For WBE specify percentage of women ownership _____%.

- B. _____ The undersigned certifies that they are a joint venture in which the following (MBE/WBE) firm _____ (cross out inapplicable provision) is a joint venture partner.

The MBE/WBE firm (cross out inapplicable provision) shall have _____% participation (employees) _____% participation (costs) in this project.

Specify the percentage of minority/women ownership in the MBE/WBE firm _____. (cross out inapplicable provision)

- C. The undersigned commits 7 % of the total bid price as a subcontract to minority business enterprise participation. The MBE firms which are proposed as subcontractors are the following:

<u>Name of Firm</u>	<u>Address</u>	<u>Type of Work</u>
1. Gains Construction	217 West Washington	C.B's inlets adjustment of casting.
2. Fox Construction	5430 West Ferguson	Same
3.		

- D. The undersigned commits 2 % of the total bid price as a subcontract to women business enterprise participation. The WBE firms which are proposed as subcontractors are the following:

<u>Name of Firm</u>	<u>Address</u>	<u>Type of Work</u>
1. Statewide Trucking	7432 Lower Huntington	Trucking and Sand
2.		
3.		

- E. Complete (1) and (2) below if participation goals of 7% MBE and 2% WBE have not been met.

1. My Company cannot meet the participation goals for the following reasons: _____

2. We have taken the following steps in an attempt to comply with these participation goals: _____

(attach additional sheets as necessary)

Contractor Brooks Construction Co., Inc Contractor _____

By Andrew F. Brooks
Andrew F. Brooks

Its Treasurer

By _____

Its _____

14. Minority/Female Hourly Employment Requirements.

The City's policy is to encourage a greater utilization of minority and/or female employees in City construction projects. The Board has, therefore, adopted a minimum goal of 17% of the total work hours on each project to be expended by minority and/or female employees. ("Minority" shall include: Blacks, Hispanic, Asian, Pacific Islander, American Indian or Alaskan Native.)

The bidder shall state in "A" below the percentage of total work hours which the bidder and his subcontractors will employ and utilize women and minority employees on this project. If a contract is awarded as a result of this bid, the percentage figure set forth in "A" shall become contractually binding on the bidder. The successful bidder will also be required to prepare reports for the City demonstrating compliance with this percentage and will allow city officials access to his records, facilities and work site and to those of his subcontractors to determine compliance.

The bidder must fill in the required blanks in this clause in order to be responsive to this IFB. If the bidder does not meet or exceed the hourly utilization goal of 17% minority/female participation, the reasons for this failure and reasonableness and good faith of efforts to meet this goal shall be evaluated to determine whether the bidder is responsible.

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO MINORITY/FEMALE HOURLY UTILIZATION.

A. The undersigned firm certifies that it will employ and utilize minorities and females and/or will ensure that its subcontractors employ and utilize minorities and females so that minorities and females will work at least 17% of the total hours worked on this project.

B. Complete (1) and (2) below if the hourly utilization figure set forth in "A" is less than 17%.

1. My Company and its subcontractors cannot meet the 17% minimum hourly utilization figure for the following reasons:

_____.

2. My Company has taken the following steps in an attempt to comply with the 17% hourly utilization figure:

(attach additional sheets if necessary)

Contractor Brooks Construction Company, Inc.

By

Andrew F. Brooks

Its

Treasurer

15. Required Prevailing Wage Schedule Payments - Pursuant to Indiana Code 5-16-7-1. All contractors and subcontractors working on the project awarded pursuant to this contract shall pay the prevailing wage rates for skilled, semi-skilled and unskilled laborers, workmen and mechanics. This wage determination has been made in accordance with the procedures set forth in Indiana Code 5-16-7-1. This determination and the required wage rates are available for examination by any prospective bidder at The Board of Public Works and Safety, 9th Floor, City-County Building, Fort Wayne, Indiana.

If a bidder is awarded a contract as a result of this Invitation for Bids, he/she/it shall file a schedule of wages, on forms provided by the City of Fort Wayne, demonstrating compliance with the wage rate determination. The successful prime contractor shall be responsible for obtaining schedules from all subcontractors. All schedules shall be filed before the contractor commences any work on the project.

Penalties for failure to pay the prevailing wage rate are set forth in Indiana Code 5-16-7-3.

16. Site Orientation. A site orientation (~~will~~/will not) be conducted by the City Engineers. If such an orientation is conducted, it will be held on the ____ day of _____, 19____, commencing at ____ o'clock ____ M. at the site of the project.

Regardless of whether a site orientation is conducted or not, bidders are required to visit the site of the work, and inform themselves fully of the conditions, under which the work will be performed. The bidders shall be responsible for all conditions that affect the work, including, but not limited to all sub-surface conditions.

17. Performance Bond. The successful bidder, at the time of signing the contract will be required, at his own expense, to furnish a bond guaranteeing faithful execution of the contract, in full amount of the contract price, executed by the bidder and a surety to be approved by The Board, on the bond form headed by The Board. The Performance Bond shall contain the following clause: "The said Surety, for value received, hereby stipulates and agrees, that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder, or the specifications accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any change, extension of time, alteration or addition to the terms of the contract, or to the work or specification."

18. Additional Bonds. If a bidder is awarded a contract he will also be required to execute with surety, satisfactory to The Board;

- ☐ A. Payment Bond. In the amount of payment to be made under the contract.
- ☒ B. Warranty Bond. In the amount of the contract warranting the contractor's performance of a period of three years after the date of the City's acceptance.

19. Councilmanic Approval and Ratification of Contract. This agreement, although executed on behalf of the Owner by the Mayor and The Board, shall not be binding upon the Owner unless, and until, the contract has been ratified and approved by the Common Council of the City of Fort Wayne, Indiana. And if the Common Council fails to approve the contract within ninety days after the date of bid opening, then the Contractor shall not be bound to the contract unless he/she/it elects to be so bound.

20. Method of Contract Award. The contract resulting from this IFB will be awarded:

☒ A. On an all or none basis.

☐ B. As follows:

Fidelity and Deposit Company

HOME OFFICE

OF MARYLAND

BALTIMORE, MD. 21203

BID BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, BROOKS CONSTRUCTION COMPANY, INC.

....., as Principal, (hereinafter called the "Principal"), and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, of Baltimore, Maryland, a corporation duly organized under the laws of the State of Maryland, as Surety, (hereinafter called the "Surety"), are held and firmly bound unto THE BOARD OF PUBLIC WORKS & SAFETY, CITY OF FORT WAYNE, IN

..... as Obligee, (hereinafter called the "Obligee"), in the sum of FIVE PERCENT OF BID-----Dollars (\$ 5% OF BID), for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for RESOLUTION NO. 6071-86
ASPHALT RESURFACING PROGRAM, 5TH PACKAGE, 1986 BOND ISSUE

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid and give such bond or bonds as may be specified in the bidding or contract documents with good and sufficient surety for the faithful performance of such contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter into such contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 7TH day of JANUARY A.D. 1987

BROOKS CONSTRUCTION COMPANY, INC.

Donna M. Alles
Witness

Robert F. Brooks (SEAL)
Principal
Treas
Title

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Surety

Frank Zobillo
Witness

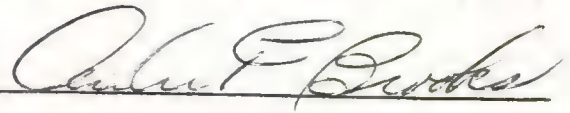
By N. Richard Boerger (SEAL)
Title

N. RICHARD BOERGER
ATTORNEY-IN-FACT

NON-COLLUSION AFFIDAVIT

The Bidder, by its officers and Andrew F. Brooks

agents or representatives present at the time of filing this bid, being duly sworn on their oaths, say that neither they nor any of them have in any way, directly or indirectly, entered into any arrangement or agreement with any other bidder, or with any public officer of such City of Fort Wayne, Indiana, whereby such affiant or affiants or either of them, has paid or is to pay to such other bidder or public officer any sum of money, or has given or is to give such bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder or bidders, which tends to or does lessen or destroy free competition in the letting of the contract sought for by the attached bids, that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person whomsoever to influence the acceptance of the said bid or awarding of the contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the contract sought by this bid.



Andrew F. Brooks, Treasurer

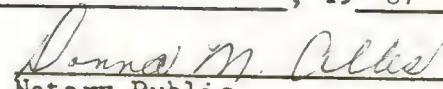
Brooks Construction Company, Inc.

Subscribed and sworn to before me by Andrew F. Brooks

this 7th day of January, 19 87.

My Commission Expires:

April 19, 1988



Notary Public

Resident of Allen County, IN

Subscribed and sworn to before me by _____

this _____ day of _____, 19 ____.

My Commission Expires:

Notary Public

Resident of _____ County, IN

Subscribed and sworn to before me by _____

this _____ day of _____, 19 ____.

My Commission Expires:

Notary Public

Resident of _____ County, IN

Contract No.

CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of Brooks Construction Company, Inc.
_____, does hereby make the following representations
to the City of Fort Wayne, Indiana.

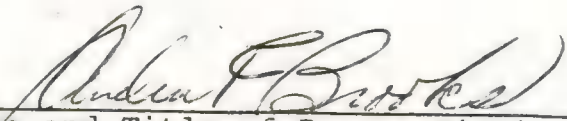
WHEREAS, it is acknowledged that the Common Council
of the City of Fort Wayne, Indiana, has passed an ordinance con-
demning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons,
firms or corporations submitting bids to the City, for goods and
services, certify, as part of the bid, that such entity does not
support the policies of apartheid in South Africa.

The undersigned states, on behalf of Brooks Construction
Company, Inc., that Brooks Construction Company, Inc.
does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed
this 7th day of January, 1987.

Brooks Construction Company, Inc.
(Name of Bidder/Vendor)


(Name and Title of Person Signing)

Andrew F. Brooks, Treasurer

PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: that

BROOKS CONSTRUCTION COMPANY, INC.

(Name of Contractor)

1123 BARTHOLD STREET FORT WAYNE, IN 46808

(Address of Contractor)

a CORPORATION, hereinafter called Principal,
(Corporation, Partnership or Individual)

and FIDELITY AND DEPOSIT COMPANY OF MARYLAND
(Name of Surety)

and duly authorized to transact business in the State of Indiana, hereinafter called Surety, are held and firmly bound unto the City of Fort Wayne, and Indiana Municipal Corporation in the penal sum of FIVE HUNDRED TWENTY THOUSAND THREE HUNDRED SEVENTY THREE & 00/100 (Dollars (\$ 520,373.00-----)) for the payment whereof well and truly to be made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these present.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain contract with the Owner, dated the 7TH day of JANUARY 1987, for the construction of:

RESOLUTION NO. 6071-86-ASPHALT RESURFACING

PROGRAM, 5TH PACKAGE, 1986 BOND ISSUE

all according to the "General and Detailed Specifications" as supplemented, and "Special Conditions" which together will be referred to as the Standard Specifications; and according to Fort Wayne Street Engineering Department Drawing No. PER SPEC Sheet No. PER SPEC.. The Indiana State Highway Standard Specifications dated 1985 shall govern where the above specifications do not cover a specific term.

WHEREAS, said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the contract or to the work to be performed thereunder, or the specifications accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract, or to the work or to the specifications, and

WHEREAS, no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

NOW, THEREFORE, if the Principal shall promptly make payment to all persons, firms, subcontractors, and corporations furnishing materials for or performing labor in the prosecution of the work provided for in such contract, and any authorized extension or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, coal and coke, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such work, and all insurance premiums on said work, and for all labor, performed in such work whether by subcontractor or otherwise, then this obligation shall be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, this instrument is executed TWO counterparts,
(number)
each one of which shall be deemed an original, this 7TH day of
JANUARY, 1987.

ATTEST:

BROOKS CONSTRUCTION COMPANY, INC.
Principal

(Principal) Secretary
(SEAL)

By *J. H. G. L. San* (S)

1123 BARTHOLD STREET
FORT WAYNE, IN 46808
(Address)

Donna M. Allen
Witness as to Principal

3126 Minton Court
(Address)

Fort Wayne, In 46808

ATTEST:

N/A
(Surety) Secretary

(SEAL)

Nancy Freeman
Witness as to Surety

1015 W. Packard
(Address)

Fort Wayne, In 46807

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Surety

By *N. Richard Boerger*
Attorney-in-Fact
N. RICHARD BOERGER

1522 INWOOD DRIVE
(Address)

FORT WAYNE, IN 46815

NOTE: Date of Bond must not be prior to Date of Contract.

If Contractor is Partnership, all partners should execute bond.

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE, BALTIMORE, MD

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by **C. M. PECOT, JR.**, Vice-President, and **C. W. ROBBINS**, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, ... and to affix the seal of the Company thereto."

does hereby nominate constitute and appoint **N. Richard Boerger, Ronald L. Wightman and Marc Cook, Jr.**, all of Fort Wayne, Indiana, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings.....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 9th day of June, A.D. 1986.....



ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

C W Robbins

Assistant Secretary

By

C M Pecot Jr

Vice-President

STATE OF MARYLAND
CITY OF BALTIMORE

SS:

On this 9th day of June, A.D. 1986, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by Official Seal, at the City of Baltimore, the day and year first above written.



Carol J Padon
Notary Public Commission Expires July 1, 1990

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 7th day of January, 1987

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that

BROOKS CONSTRUCTION COMPANY, INC.

(Name of Contractor)

1123 BARTHOLD STREET; FORT WAYNE, IN 46808

(Address of Contractor)

a CORPORATION hereinafter called
(Corporation, Partnership, or Individual)

Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(Name of Surety)

BALTIMORE, MARYLAND 21203

(Address of Surety)

and duly authorized to transact business in the State of Indiana, hereinafter called Surety, are held firmly bound unto the City of Fort Wayne, Indiana, an Indiana Municipal Corporation in the penal sum of FIVE HUNDRED TWENTY THOUSAND THREE HUNDRED SEVENTY-THREE & 00 dollars (\$ 520,373.00) for the payment whereof well and truly to be made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by those present.

The condition of the foregoing obligation is such that:

WHEREAS, the Principal entered into certain contract with the City, dated the 7TH day of JANUARY, 1987, for construction of:

RESOLUTION NO. 6071-86-ASPHALT RESURFACING PROGRAM. 5TH PACKAGE.

1986 BOND ISSUE

all according to the "General and Detailed Specifications" as supplemented, and "Special Conditions" which together will be referred to as the Standard Specifications; and according to Fort Wayne Street Engineering Department Drawing No. PER SPEC. Sheet No. PER SPEC.. The Indiana State Highway Standard Specifications dated 1985 shall govern where the above specifications do not cover a specific term, and

WHEREAS, said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alternation, or addition to the terms of the contract or to the work to be performed thereunder, or the specifications accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract, or to the work or to the specifications, and

WHEREAS, no final settlement between the City and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the Owner, with or without notice to the Surety and during the three years guaranty period, and if he shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the Owner from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the Owner all outlay and expense which the Owner may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, this instrument is executed in TWO
(number)

counterparts, each one of which shall be deemed an original, this 7TH
day of JANUARY, 1987.

ATTEST:

(Principal) Secretary

[SEAL]

Donna M. Alles
(Witness as to Principal)

3126 Trenton Court
(Address)

Fort Wayne, Ind. 46808

ATTEST:

N/A
(Surety) Secretary

[SEAL]

Nancy Freeman
Witness as to Surety

1015 W. Packard
(Address)

Fort Wayne, Ind. 46807

BROOKS CONSTRUCTION COMPANY, INC.
(Principal)

BY: J. L. [Signature] [S]

1123 BARTHOLD STREET
(Address)

FORT WAYNE, IN 46808

FIDELITY & DEPOSIT COMPANY OF MARYLAND
Surety

By N. Richard Boerger
Attorney-in-Fact

N. RICHARD BOERGER
1522 INWOOD DRIVE
(Address)

FORT WAYNE, IN 46815

NOTE: Date of Bond must not be prior to date of Contract.
If Contractor is Partnership, all partners should execute bond.

SUMMARY SHEET & ECONOMIC DEVELOPMENT RECOMMENDATION
FOR
"ECONOMIC REVITALIZATION AREA"
IN
CITY OF FORT WAYNE, INDIANA

Name of Applicant: Oakbrook Associates

Site Location: 6415, 6421 & 6427 Oakbrook Parkway, Oakbrook Office Park
Fort Wayne, In. 46825

Councilmanic District: 3rd Existing Zoning: B-1-A

Nature of Business: Office, high tech service building

Project is located in the following:

	<u>Yes</u>	<u>No</u>
Designated Downtown Area	<u> </u>	<u>X</u>
Urban Enterprise Zone	<u> </u>	<u>X</u>
Redevelopment Area	<u> </u>	<u>X</u>
Platted Industrial Park	<u>X</u>	<u> </u>
Flood Plain	<u> </u>	<u>X</u>

Description of Project:

A one-story office building consisting of 13,666 sq. ft. to accommodate
office information service companies.

Type of Tax Abatement: Real Property X Manufacturing Equipment

Estimated Project Cost: \$ 1,600,000.00 Permanent Jobs Created: 50

STAFF RECOMMENDATION:

As stated per the established policy of the Division of Economic Development, the following recommendations are hereby made:

- 1.) Designation as an "Economic Revitalization Area" should be granted. X Yes No
- 2.) Designation should be limited to a term of 2 year(s).
- 3.) The period of deduction should be limited to 6 year(s).

Comments:

This project was designated before but it was not realized at that time that this was going to be completed in three phases.

Staff James Partin
Date 1-26-87

Director Thomas Latchem
Date 1-26-87

Admn. Appr. _____

TITLE OF ORDINANCE Contract for Improvement Resolution 6071-86 - Asphalt Resurfacing
Program - Fifth Package
DEPARTMENT REQUESTING ORDINANCE Board of Public Works & Safety *J-87-01-26*

SYNOPSIS OF ORDINANCE The Contract for Improvement Res. #6071-86, Asphalt Resurfacing
Program - Fifth Package is for resurfacing and restoring pavement as per the attached
Resolution. Brooks Construction Company, Inc., is the contractor.

EFFECT OF PASSAGE Improvement by resurfacing & restoring pavement as per attached.

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$520,373.00

ASSIGNED TO COMMITTEE _____

BILL NO. S-87-01-26

REPORT OF THE COMMITTEE ON PUBLIC WORKS

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving Contract for
Improvement Resolution #6071-86 - Asphalt Resurfacing Program -
Fifth Package, between Brooks Construction Company, Inc. and the City
of Fort Wayne, Indiana, in connection with the Board of Public Works
and Safety

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

Samuel J. Talarico

SAMUEL J. TALARICO
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRPERSON

PAUL M. BURNS

JAMES S. STIER

CHARLES B. REDD

CONCURRED IN 2-10-87

SANDRA E. KENNEDY
CITY CLERK